IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. /2006 SINGLE BENCH

PETITIONER G. SHAMBHU LINGAM, S/O. SHRI G. RAMA MURTHY, AGED ABOUT 50 YEARS, ASSISTANT TEACHER, M.V.N RAO MEMORIAL PRE MIDDLE SCHOOL, KHURSIPAR ZONE -3 BHILAI, DISTRICT – DURG (C.G.)

W. No. 1782/06
Presented on 31/3/06
dated

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH THROUGH SECRETARY, SCHOOL EDUCATION DEPARTMENT, D.K.S. BHAWAN, RAIPUR (CHHATTISGARH)
2. HEAD MASTER, M.V.N RAO MEMORIAL PRE MIDDLE SCHOOL, KHURSIPAR ZONE -3 BHILAI, DISTRICT – DURG (C.G.)

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28-3-06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

The petitioner humbly begs to submit as under:-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(15)

आदेश पत्रक

मामला क्रमांक ..... WP 1704/06 ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-4-2006

Shri Anoop Mazumdar, counsel for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the State.

Heard.

Learned counsel for the petitioner submits that under Rule 33(i) of Chhattisgarh Ashaskiya Shikshan Sansthan (Adhyapako Tatha Anya Karmachariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978, the petitioner is entitled to get the benefits where the Government grant is being given to the scale corresponding categories of employees in Government educational institutions. Learned counsel referred to the decision of High Court of Madhya Pradesh rendered in the case of ***M.P. Ashashkiya Mahavidyalayeen Shekshetrahter Karmachari Sangh (W.P.No.2490/2002) decided on 8-12-2003.***

On the other hand, learned counsel appearing for the State, submits that the petitioner has straightaway filed this petition without serving notice for demand of justice.

In that view of the matter, Shri Mazumdar, learned counsel for the petitioner, prays that the petitioner may be permitted to make a detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

The prayer is not opposed by the other side.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within a period of one month, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within a period of three months from the date of receipt of the representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of petition.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

17/4/06